

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 04, 2021**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

ERICA C. o/b/o JACV,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:20-cv-03244-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 15, 19**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 19, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Frederick Fripps represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.

3 3. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Evaluate Plaintiff's epigastric impairments;
- 9 • Comply with the requirements of Acquiescence Rule 04-1(9);
- 10 • Reevaluate whether the severity of Plaintiff's impairments meet or  
11 medically equal the criteria of a listed impairment;
- 12 • If warranted, reevaluate whether the severity of Plaintiff's  
13 impairments functionally equal the Listings;
- 14 • Offer Plaintiff the opportunity for a hearing;
- 15 • Consider the additional evidence submitted to the Appeals Council  
16 and take any further action needed to complete the administrative  
17 record; and
- 18 • Issue a new decision.

19 *See* ECF No. 19 at 2.

20 3. Judgment shall be entered for **PLAINTIFF**.

1 4. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is **STRICKEN**  
2 **AS MOOT.**

3 5. Upon proper presentation, this Court consider Plaintiff's application for  
4 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**  
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE.**

7 DATED November 4, 2021.

8 s/Mary K. Dimke  
9 MARY K. DIMKE  
10 UNITED STATES MAGISTRATE JUDGE  
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